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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,913	03/25/2004	Keiji Kanota	450100-4443.1	7357

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EXAMINER	
CHEVALIER, ROBERT	

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No.	Applicant(s)	
	10/809,913	KANOTA ET AL.	
	Examiner	Art Unit	
	Bob Chevalier	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-35 and 45-54* is/are allowed.

6)☒ Claim(s) *36-38 and 40-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 36-38, and 40-44, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al in view of Official as set forth in the previous Office Action mailed out on 12/23/04.

4. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lane et al and Official Notice as applied to claims 36-38 above, and further in view of Nagasawa et al as set forth in the previous Office Action mailed out on 12/23/04.

Response to Arguments

5. Applicant's arguments filed 4/25/05 have been fully considered but they are not persuasive.

Regarding the Applicant's argument in the cited reference of Lane et al fails to disclose the claimed feature of the first data being reproduced by a first method and the second data being reproduced by a second method, since, the trick play data and the normal play data are both retrieved from the tape in the very same way, Examiner disagrees. It is noted that the reproduction of the trick play data and the normal play data from the tape are not performed in the same way as disclosed in Lane et al's reference. As indicated in the Applicant's Remark at page 3, second paragraph, and as clearly disclosed in the Lane et al's reference, the reproducing head scans the tracks on the recording medium at different scanning speed with respect to normal playback mode and the trick playback mode. Therefore, one of ordinary skilled in the art would readily recognize that the reproducing means shown in the Lane et al's reference performs the reproduction operation of data from the recording medium using different methods with respect to trick and normal play. Applicant's attention is directed to Lane et al's Figure 11, components 420, 422, 418, and column 55, lines 5-28.

Regarding the Applicant's argument in that the cited reference of Lane et al does not disclose the claimed feature of the first method insuring continuous reproduction of the first data and the second method insuring the reliability of the second data at reproduction, Examiner disagrees. It is noted that such a feature argued by Applicant is a present characteristic of the Lane et al's reproducing apparatus. Because, as admitted by Applicant in his Remarks at page 4, second paragraph, and as disclosed in the cited reference of Lane et al, both the normal data and trick playback data are reproduced

with continuous reproduction and by the virtue of the error correction means provided thereof reliability is also implemented in the reproduction of data.

Regarding the Applicant's argument in that the proposed combination of Lane et al and Official Notice fails to disclose the claimed feature of performing simultaneous reproduction of two different recorded signals from the recording medium because Lane et al cannot operate in both the normal play and the trick play at the same time, Examiner disagrees. It is noted that, as indicated in the previous Office Action, when the Lane et al's apparatus is modified in the manner to incorporate in the reproducing means provided thereof, the notoriously well known video reproducing device which would include the capability of performing the reproduction of two different recorded signals from a recording medium (Note: Examiner has taken Official notice), such a capability of performing both the normal play and the trick play at the same time would be present in said proposed combination. Because, the proposed combination's reproducing apparatus would have included the capability of independently control at least two reproducing heads. Therefore, performing both the normal play and the trick play at the same time would have been an inherent characteristic of the proposed combination of Lane et al and Official Notice indicated above. Since, the reproducing heads would be independently controlled to operate at any reproducing modes as desired.

Regarding the Applicant's argument in that the cited reference of Nagasawa fails to disclose the feature of the random access data other than audio and/or video data streams as recited in claim 39, Examiner disagrees. It is noted that Nagasawa clearly

discloses the capability of recording and reproducing data other than audio and video data from the recording medium in a second mode of operation. Applicant's attention is directed to Nagasawa's column 15, line 65, to column 16, line 2, where it is disclosed that capability of reproducing still image data from the recording medium in a second mode of operation.

6. Claims 1-35, and 45-54 contain allowable subject matter over the prior art of record.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
July 23, 2005.

Robert Chevalier
ROBERT CHEVALIER
PRIMARY EXAMINER